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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/781,412 | 02/17/2004 | Naoki Murasato | 1232-5294 | 3063 |
| 27123 | 7590 | 02/11/2005 | EXAMINER | |
| MORGAN & FINNEGANT, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101 | | | BEN, LOHA | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2873 | |

DATE MAILED: 02/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/781,412 | MURASATO, NAOKI | |
| | Examiner LOHA BEN | Art Unit 2873 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 17 February 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-25 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) 24 is/are allowed.
 6) Claim(s) 1,3,5,6,13,16,18,20,22,23 and 25 is/are rejected.
 7) Claim(s) 2,4,7-12,14,15,17,19 and 21 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Loha Ben
Primary Examiner

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 17 February 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>1204</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Minor informalities noted

In the Specification

Page 13: line 11, numeral "150" is not seen illustrated in the drawings; line 12, numeral "130" should be – 122 – (see line 4 of page 14).

Page 14: line 11, numeral "131" should be – 110 --.

Page 15: line 11, numeral "132" should be – 134 --; and line 19, "book" should be – hook --.

Page 19: line 26, before "elastic", -- length of the -- should be inserted; and line 27, "its length" should be deleted.

Page 20: lines 1-6 are not understood due to a mixed-up use of numeric representation of elements, especially numerals 135, 135a and 135b.

In the Drawings

In Figs. 1 and 2, the word "DIRECITON" should be – DIRECTION --.

In Fig. 6, numeral "135" represents four (4) elements.

In Fig. 9, in the box of step 1010, the word "WHEHTER" should be – WHETHER --.

In the Claims

In claim 14: line 6, after "located", another – at – should be inserted.

In claim 17: line 1, "16" should be – 1 --, otherwise part of the recitation is redundant with the recitation in claim 16.

In claim 19: line 3, "said" should be deleted, otherwise "said adjustment unit" recited on lines 3 and 4 has no antecedent basis.

In claim 20: line 2, "the" should be replaced with – an --, otherwise "the optical element" has no antecedent basis.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, 5, 6, 13, 16, 18 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Sorg et al.

Regarding claim 1, Sorg et al patent teaches a detector 3 for detecting the deformation amount of an optical element (the mount 2 which supports the lens 1), and an adjustment unit 4 for adjusting the deformation of the mount 2 based on the deformation amount. Please see column 2, lines 51-67 and column 3, lines 1-4.

For claim 3, please refer to Fig. 1 and column 3, lines 1-4.

For claim 5, please refer to column 2, line 57 to column 3, line 4.

For claim 6, the aberration of the imaging device of Sorg et al can be reduced by reducing the oscillation or deformation of the optical element. This reduction performance is carried out by element 4 of Sorg et al.

For claim 13, please note the illustration of Fig. 1.

For claim 16, the component recited is equivalent to element 11 of Sorg et al.

For claim 18, reference should be made to portion cited above for claim 1 and the teaching concerning the manipulator 11.

For claim 20, again, reference should be made to portion cited above for claim 1 where the computer 5 plays the role of calculation in the adjustment mechanism.

Claims 1, 6, 13, 16, 18, 20, 22, 23 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Meehan et al.

Regarding independent claim 1, the detector of the claim is equivalent to the sensor 620 of Meehan et al; and the adjustment unit of the claim is equivalent to each element or the combination of elements 410, 415 and 420 of the patent. Reference therefor should be made to column 7, line 38 to column 8, line 25; column 9, lines 22-35 and column 10, lines 20-34.

For independent claim 18, same reference portion as above should be considered. A difference is noted however with respect to "the component" recited. The component is used as a relay element in the adjustment of the

Art Unit: ***

optical element. Such a component is equivalent to the force bars 410 and 415 of the patent.

For independent claim 20, please refer to column 9, line 40 to column 10, line 66.

For independent claims 22, 23 and 25, additional reference should be made to Fig. 1 and the accompanying texts, where a reticle is called for in the optical system 100.

In claim 6, the phrase "to reduce aberration" is recited. The patent, on the other hand uses the phrase "to compensate for aberration". The latter, technically, means "to reduce aberration" or "eliminate aberration".

For claim 13, in the patent's device, there are more adjustment units than the detectors. For example, one sensor 620 vs. many adjustment units 410, 415 and 420.

For claim 16, the component recited is equivalent to one or all of force bars 410 and 415 of the patent in consideration.

Allowable Subject Matter

Claim 24 is allowed.

Claims 2, 4, 7-12, 14, 15, 17, 19 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Communication

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Loha Ben whose telephone number is (571) 272-2323. The examiner can normally be reached on Monday to Saturday, generally between 12:00 noon and 8:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps, can be reached on Monday to Friday, at (571) 272-2328. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



February 8, 2005

**Loha Ben
Primary Examiner**